

## REMARKS

### Summary of Office Action

Claims 1-8, 18-36, 46-64, and 74-84 were pending in this case. The Examiner objected to claims 75-80 because of informalities. The Examiner rejected claims 1-8, 18-36, 46-64, and 74-84 under 35 U.S.C. § 102(e) as being anticipated by Alexander et al. U.S. Patent 6,177,931 (hereinafter "Alexander").

### Summary of Applicant's Reply

Applicants have canceled claims 2, 30, and 58 without prejudice. Applicants have amended independent claims 1, 25, 29, 53, 57, and 81 to more clearly define the invention. Applicants have amended claims 3, 5, 26, 31, 33, 54, 59, 61, 75-80, and 82 to correct typographical errors and conform the claims to the amended independent claims. Reconsideration of this application in light of the following remarks is respectfully requested.

### The Examiner's Claim Objections

The Examiner objected to claims 75-80 because of informalities in the stated dependency of those claims. Applicants have amended claims 75-80 to correct their dependency from claim 73 to claim 74. The Examiner's objection is therefore obviated and should be withdrawn.

Claims 1-8, 29-36, and 57-64

Applicants' independent claims 1, 29, and 57, as amended, are directed to a system and method for providing access to a passive video product (e.g., barker channels, passive program guides) and interactive content (e.g., interactive television program listings, selectable alert icons) from an interactive application. A branded selectable option is provided within a first display of the interactive application that includes a product brand logo graphic of a provider of the passive video product. In response to a user selecting the option from the first interactive application display, the passive video product and interactive content are provided from the provider in a second display that replaces the first display. Additional information on the interactive content is provided in response to the user selecting the interactive content.

Therefore, applicants' approach provides a branded selectable option in the interactive application display that identifies the provider using a product brand logo graphic, whereby user selection of the branded selectable option in the first display enables access to the passive video product and interactive content from the provider in a second display. In one illustrative example, user selection of the branded selectable option provides a passive television guide channel that is overlaid with interactive television program listings

(applicants' specification, FIG. 6 and page 29, line 8 to page 30, line 19).

Applicants submit that independent claims 1, 29, and 57 are patentable over Alexander at least because the claimed invention patentably improves upon Alexander by providing, in a second display that replaces the first display, the passive video product and interactive content from the provider in response to a user selecting the branded selectable option from the first interactive application display (and whereby additional information on the interactive content is provided in response to the user selecting the interactive content).

Accordingly, for at least the foregoing reason, applicants respectfully submit that claims 1-8, 29-36, and 57-64 are patentable over Alexander.

Claims 18-24, 46-52, and 74-80

Applicants' independent claims 18, 46, and 74 are directed to a system and method for providing advertisements within an interactive application implemented at least in part on user equipment. Branded passive programming that is associated with a brand is provided to the user equipment. An alert icon is displayed on the user equipment overlaid on the currently displayed branded passive programming to indicate the availability of additional information associated with the currently displayed branded passive programming. A user

associated with the user equipment is provided with an opportunity to select the alert icon to indicate a desire to access the additional information. In response to the user selection, an interactive display is provided on the user equipment that includes an advertisement associated with the brand of the currently displayed branded passive programming.

Applicants submit that independent claims 18, 46, and 74 are patentable over Alexander at least because the claimed invention patentably improves upon Alexander by providing, in response to user selection of the alert icon, an interactive display on the user equipment that includes an advertisement associated with the brand of the currently displayed branded passive programming.

The Examiner contends that this feature is met by Alexander's provision of web pages relating to the content of a program being watched (Office action, page 4, lines 7-14). Contrary to the Examiner's contention, applicants submit that the claimed invention patentably improves upon Alexander by providing an advertisement associated with the brand of the currently displayed branded passive programming. Applicants specifically note the distinction between the brand of passive programming and content. To illustrate, passive programming whose content is music news may be branded by its provider TVGuide (see applicants' specification, FIG. 10A). Accordingly, using this example, the provision of a web page

associated with music news (i.e., the content of the passive programming) fails to meet applicants' claimed approach for providing an advertisement associated with the brand of the passive programming (i.e., an advertisement associated with the TVGuide brand).

Accordingly, for at least the foregoing reason, applicants respectfully submit that claims 18-24, 46-52, and 74-80 are patentable over Alexander.

Claims 25-28, 53-56, and 81-84

Applicants' independent claims 25, 53, and 81, as amended, are directed to a system and method for providing advertisement space to advertisers across television-related products (e.g., an interactive application and a passive program). Advertisement time for an advertiser is allocated both in an interactive application and during a passive program, such that the timing of a first advertisement for the advertiser shown in a display of the interactive application coincides with the timing a second advertisement for same advertiser being shown in the passive program. The first and second advertisements are not simultaneously displayed on the same screen.

Applicants submit that independent claims 25, 53, and 81 are patentable over Alexander at least because the claimed invention patentably improves upon Alexander by timing a first advertisement for the advertiser shown in a display of

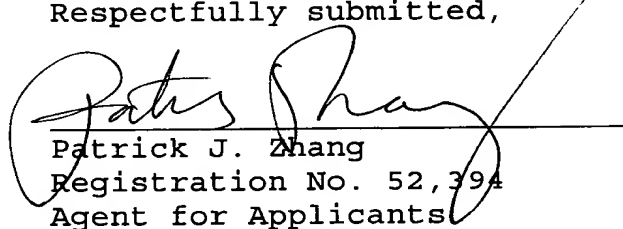
the interactive application to coincide with the timing of a second advertisement for the same advertiser being shown in the passive program, wherein the first and second advertisements are not simultaneously displayed on the same screen.

Accordingly, for at least the foregoing reason, applicants respectfully submit that claims 25-28, 53-56, and 81-84 are patentable over Alexander.

Conclusion

Applicants submit this application is now in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,



Patrick J. Zhang  
Registration No. 52,394  
Agent for Applicants  
FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
(212) 596-9000